

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ABB, INC.,

Plaintiff,

v.

ROBOTIC VISIONTECH, L.L.C.; BRAINTECH,  
INC.; and BRAINTECH CANADA, INC.,

Defendants.

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Case No. 10-12626

Honorable John Corbett O'Meara

**ORDER ADJOURNING  
PLAINTIFF'S MOTION FOR TRO AND PRELIMINARY INJUNCTION AND  
GRANTING IN PART ROBOTIC'S MOTION TO COMPEL ARBITRATION**

This matter came before the court on plaintiff ABB's August 4, 2010 motion for temporary restraining order and preliminary injunction and defendant Robotic Visiontech's August 12, 2010 motion to compel arbitration. Both parties filed responses August 17, 2010. No reply briefs were filed, and no oral argument was heard.

In its response brief, plaintiff ABB seeks to adjourn its motion for temporary restraining order and preliminary injunction until it can obtain service on defendants Braintech, Inc., and Braintech Canada, Inc. The court will grant its request.

ABB also concedes in its response brief that defendant Robotic's motion to compel arbitration should be granted except for ABB's claims for common law conversion in Count I and statutory conversion pursuant to Mich. Comp. Laws Ann. § 600.2919a in Count II. Those two counts allege conversion of certain robots, which are the subject of the parties' separate Equipment Loan Agreement. That agreement specifically states that it "constitutes the entire agreement between the parties" and "supersedes all previous communications, representations, understanding and agreement

. . . between the parties." The Equipment Loan Agreement does not have an arbitration clause. Therefore, the court will not compel arbitration on the two conversion claims.

**ORDER**

It is hereby **ORDERED** that plaintiff ABB's August 4, 2010 motion for temporary restraining order and preliminary injunction is **ADJOURNED**.

It is further **ORDERED** that defendant Robotic Visontech's August 12, 2010 motion to compel arbitration is **GRANTED IN PART** as referenced above.

s/John Corbett O'Meara  
United States District Judge

Date: August 25, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, August 25, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager